



Paper No. 13

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In re Reissue Application of :  
Rodney M. Shields :  
Application No. 09/267,025 :  
Filed: March 11, 1999 :  
Attorney Docket No. A-69023/MAK :

**AUG 28 2000**

**SPECIAL PROGRAMS OFFICE  
DAC FOR PATENTS**

### **NOTICE REGARDING POWER OF ATTORNEY**

This is in response to the Power of Attorney filed March 27, 2000.

The revocation and substitution of power of attorney indicates that Creative Minds Foundation is the assignee of the entire interest in the above subject patent application and is signed by the President of Creative Minds Foundation.

The record contains a copy of an assignment from inventor Rodney M. Shields to Creative Minds Foundation.

In reviewing the file records, it is noted that the instant application is a reissue of Application No. 08/324,889, which is a continuation-in-part of Application No. 08/081,728. It is further noted that an assignment to Creative Minds Foundation has only been recorded against original Application No. 08/081,728.

As noted in MPEP 306:

In the case of a division or continuation, a prior assignment recorded against the original application is applied to the division or continuation application because the assignment recorded against the original application gives the assignee rights to the subject matter common to both applications.

In the case of a substitute or continuation-in-part, a prior assignment of the original application is not applied to the substitute or continuation-in-part application because the assignment recorded against the original application gives the assignee rights to only the subject matter common to both applications. Substitute or continuation-in-part applications require a new assignment if they are to be issued to an assignee.

In view of the above, if in fact no new assignment has been recorded in the name of Creative Minds Foundation in either the instant reissue application or in Application No. 08/324,889, the Office cannot accept the revocation and substitution of a power of attorney.

Accordingly, if the Office is to accept a revocation and power of attorney by assignee Creative Minds Foundation, applicant must submit for recordation a new assignment in either Application No. 08/324,889 or the instant reissue application (or both). Additionally, a certificate under 37 CFR 3.73(b) is required to be submitted along with any renewed request for revocation and substitution of power of attorney.

Further correspondence with respect to this matter should be addressed as follows:

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Attn: Office of Petitions

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